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United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
GERARDO DIEGO PEREZ,  
LUIS PEREZ,  
  
Defendants.

CASE NO. 1:21-CR-00185-ADA-BAM

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER

DATE: May 24, 2023

TIME: 1:00 p.m.

COURT: Hon. Barbara A. McAuliffe

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendants, by and through defendants' counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on May 24, 2023.
2. By this stipulation, defendants now move to continue the status conference until September 13, 2023, and to exclude time between May 24, 2023, and September 13, 2023, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].
3. The parties agree and stipulate, and request that the Court find the following:
  - a) The government has represented that the discovery associated with this case includes reports, photographs, and audio files and is voluminous. This discovery has been either produced directly to counsel and/or made available for inspection and copying, and the production of or availability of more discovery is anticipated.

1           b)     Counsel for defendants desire additional time to further review discovery, discuss  
2 potential resolution with defendants and the government, and investigate and prepare for trial.

3           c)     The parties will be prepared to set a trial date by the next status conference if the  
4 case cannot be resolved.

5           d)     Counsel for defendants believe that failure to grant the above-requested  
6 continuance would deny him/her the reasonable time necessary for effective preparation, taking  
7 into account the exercise of due diligence.

8           e)     The government does not object to the continuance.

9           f)     Based on the above-stated findings, the ends of justice served by continuing the  
10 case as requested outweigh the interest of the public and the defendant in a trial within the  
11 original date prescribed by the Speedy Trial Act.

12          g)     For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
13 et seq., within which trial must commence, the time period of May 24, 2023 to September 13,  
14 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
15 T4] because it results from a continuance granted by the Court at defendant's request on the basis  
16 of the Court's finding that the ends of justice served by taking such action outweigh the best  
17 interest of the public and the defendant in a speedy trial.

18          h)     The parties also agree that this continuance is necessary for several reasons,  
19 including but not limited to, the need to permit time for the parties to exchange supplemental  
20 discovery, engage in plea negotiations, and for the defense to continue its investigation and  
21 preparation, pursuant to 18 U.S.C. § 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv).

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: May 18, 2023

PHILLIP A. TALBERT  
United States Attorney

/s/ STEPHANIE M. STOKMAN  
STEPHANIE M. STOKMAN  
Assistant United States Attorney

Dated: May 18, 2023

/s/ RICHARD BESHWATE  
RICHARD BESHWATE  
Counsel for Defendant  
LUIS PEREZ

Dated: May 18, 2023

/s/ KEVIN ROONEY  
KEVIN ROONEY  
Counsel for Defendant  
GERARDO DIEGO PEREZ

**ORDER**

IT IS SO ORDERED that the status conference is continued from May 24, 2023, to **September 13, 2023, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: May 18, 2023

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE